Public Law 99-197
99th Congress

An Act

To designate certain national forest system lands in the State of Kentucky for inclusion in the National Wilderness Preservation System, to release other forest lands for multiple use management, and for other purposes.

Dec. 23, 1985
[H.R. 1627]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Kentucky Wilderness Act of 1985".

Kentucky Wilderness Act of 1985.

SEC. 2. In furtherance of the purposes of the Wilderness Act of 1964 (16 U.S.C. 1131 et seq.) certain National Forest System lands located within the Daniel Boone National Forest, Kentucky, which comprise approximately thirteen thousand three hundred acres as generally depicted on a map entitled "Clifty Wilderness—Proposed", dated January 1985, are hereby designated as wilderness, and shall be known as the Clifty Wilderness.

16 USC 1132 note.

SEC. 3. Subject to valid existing rights, the Clifty Wilderness shall be administered by the Secretary of Agriculture as a component of the National Wilderness Preservation System in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

16 USC 1131 note.

SEC. 4. (a) The Congress finds that—

Conservation.

(1) the Department of Agriculture has completed the Second Roadless Area Review and Evaluation Program (RARE II); and

(2) the Congress has made its own review and examination of National Forest System roadless areas in the State of Kentucky and of the environmental impacts associated with alternative allocations of such areas.

Congress.

(b) On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II final environmental statement (dated January 1979) with respect to National Forest System lands in States other than Kentucky, such statement shall not be subject to judicial review with respect to National Forest System lands in the State of Kentucky;

(2) with respect to the National Forest System lands in the State of Kentucky which were reviewed by the Department of Agriculture in the second roadless area review and evaluation (RARE II) and those lands referred to in subsection (d), except those lands remaining in further planning upon enactment of this Act, that review and evaluation or reference shall be deemed for the purposes of the initial land management plans required for such lands by Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of

16 USC 1600 note.
16 USC 1600 note.

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Agriculture shall not be required to review the wilderness option prior to the revisions of the plans, but shall review the wilderness option when the plans are revised, which revisions will ordinarily occur on a ten-year cycle, or at least every fifteen years, unless, prior to such time the Secretary of Agriculture finds that conditions in a unit have significantly changed;

(3) areas in the State of Kentucky reviewed in such final environmental statement or referenced in subsection (d) and not recommended for further planning as a result of the second roadless area review and evaluation program or designated as wilderness upon enactment of this Act shall be managed for multiple use in accordance with land management plans pursuant to section 6 of the Forest Rangeland Renewable Resources Act of 1974, as amended by the National Forest Planning Act of 1976: *Provided,* That such areas need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of the initial land management plans;

16 USC 1604. 16 USC 1600 note.

(4) in the event that revised land management plans in the State of Kentucky are implemented pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law, areas not recommended for wilderness designation need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of such plans, and areas recommended for wilderness designation shall be managed for the purpose of protecting their suitability for wilderness designation as may be required by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law; and

16 USC 1600 note.

16 USC 1600 note.

(5) unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of National Forest System lands in the State of Kentucky for the purposes of determining their suitability for inclusion in the National Wilderness Preservation System.

Prohibition.

(c) As used in this section, and as provided in section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, the term "revision" shall not include an amendment to a plan.

(d) The provisions of this section shall also apply to National Forest System roadless lands in the State of Kentucky which are less than five thousand acres in size.

Public availability.

SEC. 5. As soon as practicable after enactment of this Act, the map and a legal description of the Clifty Wilderness shall be filed with the Committees on Agriculture and Interior and Insular Affairs of the House of Representatives and the Committees on Energy and Natural Resources and Agriculture, Nutrition, and Forestry of the Senate, and such map and legal description shall have the same force and effect as if included in this Act: *Provided, however,* That

corrections of clerical and typographical errors in such legal description and map may be made.

Approved December 23, 1985.

LEGISLATIVE HISTORY—H.R. 1627:

HOUSE REPORT No. 99-411, Pt. I (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 131 (1985):
Dec. 9, considered and passed House.
Dec. 12, considered and passed Senate.

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